

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, January 15, 2004

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, January 15, 2004, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Rm. 328-A, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Willie E. Hampton **(ABS)**
Arthur Blackwell, II
Erminia Ramirez
Edgar L. Vann, Jr.
Megan Norris **(ABS)**

Department Personnel Present

Chief Ella M. Bully-Cummings
Insp. Walter Martin
Cmdr. Ralph Godbee
Sgt. Debbie Jackson
PO J. Watson
PO Eric Jarmons
PO L. Brent
PO J. Womble
PO Irvette Reed

Board Staff Present

Dante' L. Goss, Exec. Director
Denise R. Hooks, Attorney/Supervising Inv.
Arnold Sheard, Interim Chief Investigator
Harrison Tolliver, Supervising Investigator
Ainsley Cromwell, Supervising Investigator
Elie Sassine, Sr. Police Commission Investigator
Stephan Thompson, Sr. Police Commission Investigator
Leonard Hall, Police Commission Investigator
Charlotte Jones, Police Commission Investigator
Jeanise Monroe, Police Commission Investigator
E. Lynise Bryant-Weekes, Personnel Director

OTHERS PRESENT

Herman Vallery
Marie Thornton

RECORDERS

Jerome Adams
Kellie Williams

1. CALL TO ORDER

Commissioner Hampton called the regular meeting of the Detroit Board of Police Commissioners to order at 3:20 p.m.

2. APPROVAL OF MINUTES

♦ Thursday, January 8, 2004

MOTION: **Comm. Vann** made the motion to approve the minutes of Thursday, January 8, 2004.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

Promotions

January 9, 2004

Board of Police Commissioners
1300 Beaubien
Room 328
Detroit, Michigan 48226

**RE: RECOMMENDATIONS FOR PROMOTIONS TO THE RANK OF
LIEUTENANT AND SERGEANT AND THE CHARTER PROMOTION OF
ONE SERGEANT TO THE RANK OF LIEUTENANT FROM THE
CURRENT PROMOTIONAL ELIGIBILITY ROSTERS**

Dear Board Members:

The Detroit Police Department is committed to providing the citizens, businesses, and visitors of the city of Detroit with the highest degree of professional service. Currently, there are 188 budgeted positions for the rank of lieutenant and 24 vacancies; 620 budgeted positions for the rank of sergeant and 56 vacancies.

An agreement between the **Detroit Police Officers Association (DPOA)** and the city of Detroit references in paragraph 6 that a "Special Numerical Promotional Trigger" will be used to determine when additional promotions to sergeant must be made by the department." The "Trigger" to cause any additional promotions will be when the number of sergeants is more than 20 below the budgeted strength for the rank of sergeant. Currently, as indicated above, the "Trigger" has been reached, the department is required to promote at least 10 or more sergeants from the existing eligibility list. The promotions must be made before 21 days shall have passed after the Trigger was reached.

It is further understood that the department is permitted to implement the promotion of investigators to the rank of sergeant pursuant to the **Lieutenants and Sergeants (LSA) Act 312 Award "budgeted strength"** for the rank of sergeant; under this agreement it shall be considered the combined budgeted strength for the ranks of both "Investigator & Sergeant."

Appreciating the need for supervisors in the ranks of lieutenant and sergeant, I submit for your review and approval, the attached list for 14 candidates (**one charter**) for promotion to the rank of "**Lieutenant.**" Additionally, I also submit for your review and approval the attached list of 55 candidates (police officers) for promotion to the rank of "**Sergeant.**"

As you are aware, the **LSA** Award also provided for the promotion of all investigators to the rank of sergeant, and the consequential elimination of the rank of investigator. After meeting with the department's Labor Unit and the Director of Labor Relations, it was collectively agreed upon that based on the language contained in this agreement; the department's timeframe for achieving this is by June 30, 2006. Accordingly, I am submitting for your review and approval the names of 23 investigators on the sergeant's eligibility roster to the rank of "**Sergeant**" and the names of 10 investigators that are **not** on the sergeant's eligibility roster to the rank of "**Sergeant.**" It is my intention to commence training for all candidates on January 26, 2004, or soon thereafter as may be feasible.

Lieutenants (See Attachment 1)

MOTION: **Comm. Blackwell** made the motion to approve the Promotions.

SECOND: **Comm. Vann** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Police Officers and Investigators Eligible for Promotion to Sergeant (See Attachment 2)

MOTION: **Comm. Blackwell** made the motion to approve the Promotions.

SECOND: **Comm. Vann** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Vice Chairperson Blackwell asked what I just read, was that police officers eligible for promotion to Sergeant? Chief Bully-Cummings will you explain?

Chief Bully Cummings stated in the LSA 312 award was a provisions that was agreed to promote all investigators to the rank of sergeant and this is the commencement of honoring that agreement. There were 23 investigators on the list of 80 to sergeant, but those 23 investigators were promoted based upon rank order on the list. These ten investigators do not appear on the sergeant's register, but it is based upon the award.

Vice Chairperson Blackwell asked was that all investigators?

Chief Bully Cummings stated yes.

Investigators Eligible for Promotion to Sergeant (See Attachment 3)

MOTION: **Comm. Blackwell** made the motion to approve the Promotions.

SECOND: **Comm. Vann** seconded the motion.

VOTE: All in attendance voted in the affirmative.

CHARTER PROMOTION TO THE RANK OF LIEUTENANT

I respectfully recommend a "Charter Promotion" to the rank of lieutenant for Sergeant Kenneth Williams, badge S-964, currently assigned to the Tactical Operations Section.

Sergeant Williams was appointed to the Detroit Police Department on April 13, 1987. During his 16 years of service, he has worked in several capacities, including the Eleventh Precinct Patrol Operations, Eleventh Precinct Special Operations Unit, Law Unit, Mayor's Security, Tactical Operations Section, the Office of the Assistant Chief, and the Commanding Officer of the Community Interaction Team.

In January of 1998, Sergeant Williams was promoted to his current rank of "Sergeant." Upon completion of officer candidate school, he was assigned to the Tactical Operations Section. Based on his leadership skills, he was named the "Executive Sergeant" of the section. In this assignment, Sergeant Williams oversaw the section's day to day operations. He also played an intricate role in preparing the city of Detroit for major events such Y2K, Organization of American States Conference, and the Detroit 300 Celebration. Sergeant Williams has also served as the Commanding Officer of the Community Interaction Team (CIT), which served as a link between the Chief's Office and the business community. Sergeant Williams has demonstrated that he is skilled in coordinating activities involving members of equal or higher rank, he is dependable, and he is a dedicated law enforcement officer.

Sergeant Williams has continuously enhanced his professional development by attending various training courses. In June of 2002, Sergeant Williams was one of 16 officers across the nation to be selected to attend a 4 month fellowship at the prestigious **Police Foundation in Washington, D.C.**

Sergeant Williams was selected to attend the Police Foundation Fellowship based on his potential for future leadership development. The intense course work focused on developing leadership skills, community policing, and technology. He has also completed training with the United States Secret Service, where he received certification and training in executive protection, terrorism and counter terrorism. Currently, Sergeant Williams is working on his Bachelors of Art, in Police Administration at Eastern Michigan University. He has also demonstrated that he has extensive knowledge and understanding of the Detroit Police Department Manual of rules and regulations governing the department.

During his tenure with the department he has been honored with many prestigious awards, including certificates for bravery, valor and honor. He has provided this department with maximum attendance for 15 of his 17 years of service.

Sergeant Williams has a 90 service rating and a record void of any disciplinary action. He is currently listed as candidate number **163** on the current eligibility roster. It is for the aforementioned reasons that I recommend Sergeant Williams for consideration for a charter promotion to the rank of “**Lieutenant.**”

Both the **Charter of the city of Detroit, Section 7-1114 and the Detroit Police Manual, Series 400, Chapter 401, Directive 3, Paragraph 3, Subparagraph 1**, grant the Chief of Police, with the approval of the Board of Police Commissioners, the authority to promote individuals who appear on the department’s promotional eligibility rosters. The requested promotion of Sergeant Kenneth Williams to the rank of “Lieutenant” does not conflict with any limitations imposed by the collective bargaining provisions.

MOTION: **Comm. Vann** made the motion to approve the Charter Promotion.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

As always, I am available at your convenience if you have additional questions or concerns.

Sincerely,

/s/ELLA M. BULLY CUMMINGS
Chief of Police

EMB:wjm

Oath of Office/Swear-In

Vice Chairperson Blackwell swore in Ms. Charlotte Jones and Ms. Jeanise Monroe, who are newly appointed Police Commission Investigators for the Office of the Chief Investigator.

4. SECRETARY’S REPORT – EXEC. DIR. GOSS

Office Closing

The Board of Police Commissioners Office and the Office of the Chief Investigator will be closed on Monday, January 19, 2004, in observance of the Martin Luther King holiday. Regular office hours will resume on Tuesday, January 20, 2004 at 8:00 a.m.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
2004	41	65

Note: Due to technical difficulties with the OCI database, the weekly Citizen Complaints Received Report is not available for this week.

2003

During the Past Week: 30 **Year to Date:** 41

Exec. Dir. Goss stated there was a news article concerning the monitor's report and Comm. Norris wanted me to let the Board and the community know that we have been meeting with the relevant people in the Department concerning the issues and the Department is working very well to get into compliance with the consent decree.

Also, I sat in on a meeting with a compliance resource group with the Mayor's Office on Monday and we are getting together to work out the issues concerning the consent decree also.

Comm. Vann asked how factual is that information as it relates to us being not in compliance?

Chief Bully-Cummings stated because the monitor's report has not been filed with the court, it is premature for the Department or the administration to speak to the contents of the monitor's report. We have worked very hard to establish a working relationship with the court and the monitor. Speaking prior to the filing of the report and it becoming public could compromise the working relationship.

What I can say to on behalf of the Department to the community and to the Commission is that when the report comes out, I would ask that you read the entire report to get a clearer understanding of the progress that this Department has made. It was never my expectation or the administration's expectation that we would be 100% in compliance with all 266 paragraphs, it is a tremendous

challenge, but it does not negate the fact that members of this Department as well as other city agencies have been working diligently and cooperatively to move this Department forward.

Exec. Dir. Goss stated the Department will be making a presentation next week concerning the following directives: Department Vehicles, Sports Sanction Committee and the Board of Ethics. Pursuant to the consent decree there must be a public hearing of all directives approved by the Board. So, next week a forum will be held for those three directives.

Comm. Vann stated we have been trying to document this on the record every since this came down the pike. I would like DC Fred Campbell to be aware that the expectation of the Commission should be that it is involved in issues as it relates to policy, as it relates to this DOJ consent decree. That is the purview and the bellyache of this Commission and we would want that to be compromised in any sort of a way. I am not suggesting that it is or has. I know that the flow of information has not been what this Commission has desired or maybe some of us have desired in the past. Hopefully, in the future I would hope that this Commission, because as it relates to the community, as it relates to civilian oversight as it relates to OCI and other issues really fall under the purview of this Commission. I think it is important in the process, now this was kind of promised at...I should not say it was promised because we were totally ignored from the very beginning by the DOJ people at the news conference itself and etc., and that is certainly no fault of the present Chief. I am just saying, that was done from the very beginning, which sent me an indication that the Commission would not have its proper role in these matters. I would only hope just as a citizen of the City, that the Commission would continue to be in power to be at the table when these policies are being discuss and that the proper protocols and procedures that are being established by the DOJ and the Department's leadership be apprised as they should be of policy and not being headlights or taillights or not being fought to rubber stamps of policies that other people come up with, but being part of the process as we should, which is our Charter mandated responsibility, especially in this kind of a situation. I just wanted to say this for the record. I am not blaming anybody or saying that this is not the spirit or the intent that people have, it is has certainly not been one of the outcome to this point in my view. I would hope that for the citizens of the City that more attention be drawn to that.

Chief Bully-Cummings stated there is a paragraph in the consent decree, which requires that all policies particular, there are ten specific policies that require the review and comment of the Department of Justice, which means that prior to these policies being implemented in the police department, the Justice Department has to approve them.

Yesterday, at an internal department meeting, we developed a policy flow chart, no policy would be implemented in this Department that is not approved by the

Board of Police Commissioners. Because of the nature of some of the policies, especially the ten that require the review and comment of the Justice Department. We will develop the policy in consultation in that particular area of the Department we will develop the policy in consultation with the experts in that particular area or department. We will attempt very hard to make a very good and sound policy that is consistent with constitutional law and any state or local ordinances. Certain policies would need to go to the Department of Justice before we even bring it to you, because it doesn't make any sense for us to submit a policy to you and you say it is okay and then Justice says it is not, because they we will undo something that you have approved. Those policies will come to you, once they have gone through the approval process at the Department of Justice. The remaining policies that do not require review and comment of the Justice Department will continue its course on the Department through the appropriate chain up to you.

Comm. Vann stated as a private citizen, I understand what you are saying. For example, newspaper leaks is a one of the ways that the Commission gets information. This has happen to us all the way back to the Merrick Bob Report, some years ago. If we wanted to be informed we would have to get it off of the Internet. Stuff should not come out in the papers before...if it is a policy being proposed. If it is a policy being proposed, Commissioners should not have to see it in the newspaper first or hear other people commenting on it first.

Chief Bully-Cummings stated I did not authorize or nor did anyone in the administration or did they authorize the release of the Monitor's Draft Report, it is a confidential and draft document. It is extremely unfortunate that that document was leaked to the media. That is not something that I condone and if I find out who leaked that document we will have another issue to deal with. As a result of that, we are putting in place some measures to ensure that that never happens again.

Comm. Vann stated I will tell you privately about how certain things get leaked out.

5. REPORT/PRESENTATION – CHIEF OF POLICE

DETROIT POLICE DEPARTMENT

Board of Police Commissioners

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of January 7-13, 2003:

ORGANIZED CRIME AND GANG DIVISION

The Narcotics Enforcement and Conspiracy Sections conducted four enforcement actions in the following areas: 5800 block of Garland, 4000 block of Cass, 20000 block of Hanna and 2200 block of Parker, in the City of Detroit. These enforcement actions resulted in the following arrest and confiscations:

1 felony arrest
28 grams of cocaine, 12,876.5 grams of marijuana – street value \$62,706.00
\$12,247.00 in U.S. currency

In addition, the Narcotics Enforcement Section conducted a narcotics blitz operation within the boundaries of the 6th and 8th Precincts. There were 41 enforcement actions, resulting in the following arrests, confiscations and citations issued:

17 felony arrests
33 misdemeanor arrests
234.8 grams of cocaine, 2.9 grams of heroin, 929.9 grams of marijuana – street value \$102,860.00
\$18,077.00 in U.S. currency
13 handguns
45 ordinances issued

Vice Section – conducted one enforcement action in the 14000 block of Meyers, resulting in the following arrests, confiscations and citations issued:

10 arrests for "Engage in Illegal Occupation"
33 ordinances issued for "Loiter in a Place of Illegal Occupation"
402 grams of marijuana – street value \$1,608.00
\$908.00 in U.S. currency
1 handgun & 26 vehicles confiscated

NINTH PRECINCT

On January 11, 2004, a description of a vehicle and subjects wanted in connection with an armed robbery was broadcast over the police radio. Officers of the 9th Precinct began checking the area of Elmdale and Chalmers. They observed a vehicle fitting the description of the wanted vehicle. As a result of their investigation, two male subjects were arrested and one juvenile was detained for armed robbery; confiscated from the vehicle was a blue steel

automatic weapon. The two adults were identified in a line up and the juvenile was transferred to the Wayne County Youth Home.

TWELFTH PRECINCT

On January 7, 2004, officers of the 12th Precinct were on routine patrol when they heard the police run on a "Hold Up Alarm" at 13403 W. Seven Mile, Standard Federal Bank. As a result of the officers' quick response time, the wanted subject was still standing at the teller window when they arrived. He was subsequently arrested without incident for bank robbery.

SPECIAL INVESTIGATIONS SECTION (Armed Robbery Unit)

On January 7, 2004, two employees working as delivery drivers for a Produce and Foods Company reported a robbery. The case was assigned to the Armed Robbery Unit of the Special Investigations Section. The investigation revealed that both employees agreed to make a false report and split the money. A video surveillance tape at the rear of the location where the alleged robbery took place did not reveal evidence of a robbery. As a result of a confession, one subject was charged with "Filing a False Police Report and Motor Vehicle Advisory; the second subject was charged with "Larceny by Conversion, Filing a False Police Report and Habitual Criminal 2nd Degree."

Chief of Police Ella M. Bully-Cummings

6. DISCIPLINARY APPEALS – APPEALS SUBCOMMITTEE

In the Matter of Disciplinary Appeal, **Sergeant Carl Clarke, BPC 03-010D**, L.S.A. Attorney Michael Rataj represented the petitioner, Attorney Grant Ha, City Law Department represented the Department. The Appeals Subcommittee took the matter under advisement.

7. DISCIPLINARY APPEALS ARGUED – APPEALS SUBCOMMITTEE

DISCIPLINARY APPEALS ARGUED DECEMBER 23, 2003

**POLICE OFFICER KATHRYN VAUGHN
BADGE 3734**

BPC 03-009D

Charges

I. Willful Disobedience of Rules or Orders, two specifications; and II. Neglect of Duty, three specifications.

**Trial Board Decision
And Penalty**

Accepted plea agreement:

Charge I dismissed in exchange for guilty plea to Charge II.

Seven-day suspension.

Recommendation

Reduce penalty to three (3) days.

MOTION: Comm. Vann made the motion to approve the Recommendation.

SECOND: Comm. Ramirez seconded the motion.

VOTE: All in attendance voted in the affirmative.

**POLICE OFFICER WALID HAMUAI
BADGE 4193**

BPC 03-016D

Charge

Conviction in a Court of Criminal Jurisdiction, one specification.

Trial Board Decision

Accepted no contest plea.

Dismissed from the Department.

Recommendation

Accept request to withdraw appeal petition.

MOTION: Comm. Vann made the motion to approve the Recommendation.

SECOND: Comm. Ramirez seconded the motion.

VOTE: All in attendance voted in the affirmative.

POLICE OFFICER ARTEZ BAKER

BPC 03-017D

BADGE 21

Charges

I. Neglect of Duty, two specifications;
and II. Willful Disobedience of Rules or
Orders, one specification.

Trial Board Decision

Found guilty.

And Penalty

Five-day suspension.

Recommendation

Uphold the decision of the Trial Board in
its entirety.

MOTION: **Comm. Vann** made the motion to approve the
Recommendation.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

8. GRANT

In October 1997, the Tenth Precinct was awarded a delinquency prevention grant entitled Teen Court/Kid and Bike Program, in the amount of **\$476,061**, from the Office of Delinquency Services, Juvenile Justice Grant Unit. Presently, Teen Court/Kid and Bike Program is housed in the Detroit Police Mini-Station located in the Dexter Elmhurst Family and Community Services Center at 11825 Dexter.

The grant is divided into two components. The first component is Teen Court, which deals with children between the ages of 12 and 17 who are first time offenders of curfew and Minor in a Public Place During School Hours ordinances. The second component is the Kid and Bike Program, which deals with a younger age group. The participants receive training in drug/gang resistance and other personal safety classes. **There is no cash match.**

MOTION: **Comm. Vann** made the motion to approve the Grant
extension.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

9. OTHER BUSINESS

Dir. Bryant-Weekes made the Board aware that an a promotional exam for the ranks of sergeants and lieutenants is being offered by the Department on April 17, 2004 and April 18, 2004.

Vice Chairperson Blackwell asked is it opened for anyone?

Dir. Bryant-Weekes stated we just put out the announcement on Friday. The application period ends February 13, 2004.

Vice Chairperson Blackwell asked where is it going to be held?

Dir. Bryant-Weekes stated at the Cobo Hall Conference Center.

Comm. Vann stated I am very happy to hear that.

10. ORAL COMMUNICATION FROM THE AUDIENCE

Marie Thornton stated that she enjoyed her training at the Citizens Academy. She also stated that the public should be informed about new directives and policies.

Janice Johnson voiced a complaint of a robbery incident that occurred while she was at the ATM machine on January 3, 2004 and that there were no police cars available in Southwest Detroit.

Vice Chairperson Blackwell asked did you every get to make a police report?

Ms. Johnson stated yes, at the Fourth Precinct.

Chief Bully-Cummings stated she will look into and have Sgt. Jackson take her information.

Herman Vallery asked why does the Department and the judicial system go through so many changes to indict the 18 or more officers, for example, Eugene Brown and David Krupinski?

11. ANNOUNCEMENT OF NEXT MEETING

Thursday, January 22, 2004, @ 3:00 p.m.

Police Headquarters, Rm. 328-A
1300 Beaubien
Detroit, MI 48226

12. ADJOURNMENT

Meeting was adjourned at 4:50 p.m.

Respectfully Submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw